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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,403	03/18/2004	David D. Crouch	PD-02W127	5544

7590 04/28/2005

THOMAS J. FINN, ESQ.  
RAYTHEON COMPANY  
EO/E4/N119, P.O.BOX 902  
2000 E. EL SEGUNDO BLVD.  
EL SEGUNDO, CA 90245-0902

EXAMINER

BEN, LOHA

ART UNIT PAPER NUMBER

2873

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

ALC

<b>Office Action Summary</b>	Application No. 10/803,403	Applicant(s) CROUCH, DAVID D.	
	Examiner LOHA BEN	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**


- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 18 March 2004.
- 2a)  This action is **FINAL**.                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-29 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) 12-19 is/are allowed.
- 6)  Claim(s) 1-11 and 20-29 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

  
**Loha Ben**  
**Primary Examiner**

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on 18 March 2004 is/are: a)  accepted or b)  objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a)  All    b)  Some \*    c)  None of:  
         1.  Certified copies of the priority documents have been received.  
         2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date 0304.
- 4)  Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 and 20-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1: lines 2 and 5, respectively, it is not seen whether the respective beam passed by the first means are the same; and line 6, it is not seen where the reflection occurs, and by what.

Claims 2-11, depending from claim 1, inherit the indefiniteness thereof.

Claims 20 and 21: line 1, "The system" has no antecedent basis.

In claim 22: line 3, it is not seen by what element the passing of the beam occurs; line 6, similarly, it is not seen by what element the selective altering is conducted, and by what component the reflection of a beam occurs; and lines 7 and 8, "said first means" has no antecedent basis.

In claims 24, 26 and 28: same issues as in claim 1 are again noted.

Claims 23, 25, 27 and 29, depending from claims 22, 24, 26 and 28, respectively, inherit the indefiniteness thereof.

### **Allowable Subject Matter**

Claims 12-19 are allowed.

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Claims 1, 22, 24, 26 and 28 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 2-11, 20, 21, 23, 25, 27 and 29 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The allowability of claims 1-27 centers on the perforation characteristic of the elements used, and that of claims 28 and 29 is noted with the metallic nature of the beamsplitter and the quarter-wave plate that exhibit the characteristics claimed therein.

#### **Communication**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Loha Ben whose telephone number is (571) 272-2323. The examiner can normally be reached on Monday to Saturday, generally between 12:00 noon and 8:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps, can be reached on Monday to Friday, at (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 27, 2005



**Loha Ben**  
**Primary Examiner**